

REMARKS

In the aforesaid Office Action of May 28, 2004, claims 1-6 and 9-14 have been finally rejected under 35 U.S.C. §102(b) as assertedly anticipated by Vailati et al U.S. Pat. 4,551,994, and claims 7 and 15 has been rejected under 35 U.S.C. §103(a) as assertedly obvious over Vailati et al. For the reasons more fully discussed below, the applicant respectfully disagrees and traverses these rejections. Applicant submits herewith amendments to the claims which the applicant submits do not raise new issues of patentability and place the claims in condition for allowance or, alternatively, in better condition for appeal. Hence, the Applicant submits that such amendments are entitled to entry in this case. Reconsideration and allowance of this application is respectfully requested.

The present invention resides in a so-called mattress closing tape, i.e., a narrow-width longitudinal band used to enclose a perimeter edge cord or bead in the upholstery of mattresses and box springs. In contrast to the prior art, the present mattress closing tape is uniquely fabricated of an inelastic crochet warp knitted construction comprised of both warp and filling yarns inter-knitted with each other. More particularly, the warp knitted structure of the tape interknits a set of warp yarns and multiple fillings forming base and pattern fabric layers integrally-knitted together in overlying essentially coextensive relation along and across predominantly the full lengthwise and widthwise extents of the band in an inelastic fabric structure which is substantially flat in cross-section and sufficiently flexible to be adapted to closely conform to an edge bead of a mattress. Independent claims 1 and 9 have been amended to clarify these distinguishing characteristics of the mattress closing tape.

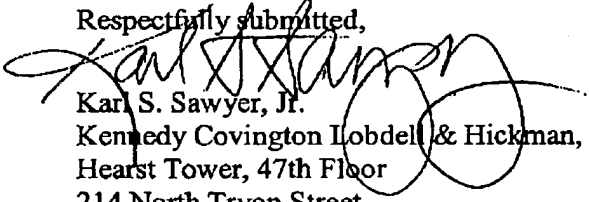
It is respectfully submitted that the Vailati et al reference fails to disclose or even remotely suggest the claimed features of the present mattress closing tape. While the Vailati et al reference admittedly teaches a crochet-type narrow-width warp-knitted band, the band would be unsuitable for, and indeed, would be essentially incapable of acceptable use as, a mattress closing tape. In particular, it is fundamental to the teachings of the Vailati et al reference that their band comprises elastic yarns so as to have an elastic character suitable for use as a waistband fabric in apparel items. By contrast, the mattress closing tape of the present invention comprises inelastic yarns such that the band itself is inelastic. This feature of Vailati et al is so central and essential to the invention

of Vailati et al that it would represent a total departure from Vailati et al to modify or eliminate the provision of the elastic yarns, yet it is precisely the elasticity imparted to Vailati et al that prevents their band from being reasonably usable or adaptable as a mattress closing tape. Hence, the teachings Vailati et al neither anticipate nor render obvious the present mattress closing tape but, on the contrary, teach away from the present invention.

Further, the Vailati et al reference does not anticipate or render obvious the dual layer knitted construction of the present mattress closing tape as defined in the present claims. Specifically, as recited in each of the independent claims, the warp and filling yarns making up the present mattress closing tape are warp-knitted into base and patterned fabric layers which are integrally knitted with one another in overlying relation along essentially the full lengthwise and across essentially the full widthwise extent of the band. The Office Action asserts that Vailati et al's plain and roll resistant portions of their band constitute base and patterned fabric layers, but such layers are connected only in edgewise relation and therefore do not and cannot overlie one another nor extend coextensively over substantially the full width and full length of the Vailati et al band. In the present mattress closing tape, the base and patterned fabric layers are formed integrally by interknitting the warp and filling yarns together in overlying relation coextensively widthwise and lengthwise, which is not accomplished by the Vailati et al band.

Thus, it is respectfully submitted that Vailati et al fails entirely to anticipate or render obvious the present crochet-knitted mattress closing tape. For all of the reasons set forth above, it is respectfully submitted that the claims of this application patentably define the present invention over the cited prior art. Favorable reconsideration and issuance of a Notice of Allowance are respectfully requested.

Respectfully submitted,


Karl S. Sawyer, Jr.

Kennedy Covington Lobdell & Hickman, LLP
Hearst Tower, 47th Floor
214 North Tryon Street
Charlotte, North Carolina 28202
Telephone (704) 331-7400
-- Attorney for Applicant